



LIZARRAGA LAW FIRM, PLLC
William Robert Lizarraga, Esq.
Attorney at Law
3753 90th St., Ste. 03
Jackson Heights, NY 11372
Phone (917) 396-4601
Fax (917) 396-4608
wlizarraga.lawfirm@gmail.com
www.totallegalhelpteam.com

March 08, 2023

VIA CMECF

JUDGE KIYO A. MATSUMOTO
United States District Court
Eastern District of New York
225 Cadman Plaza East Brooklyn,
New York 11201

RE: Request a Pre-Motion Conference to file a motion to intervene and motion to strike. Almonet v. Bermeo Food Corp., et al., Civil Action No.: 1:22-cv-06048 KAM-VMS

Your Honor,

The undersigned represents Respondent Bermeo Food Corp. (“Defendant”) in the above-styled civil action.

Pursuant to FRCP §15(a) Defendant has filed a responsive pleading and counterclaim on March 07, 2023 (CMECF 17), raising claims that are being shared by a non-party witness Ms. Suheidi Garate who wishes to participate as a party Defendant and third party intervener to file a claim against Plaintiff.

Ms. Garate’s affidavit is attached to Defendant’s amended counterclaim and her core cause of action against Plaintiff shares almost the same interests and baseline as Defendant’s claims.

Therefore, pursuant to RFCP § 24, Defendant’s witness requests leave to file a motion to intervene in the current action.

Additionally, since the other Defendants (Nelson Bermeo in his personal capacity, and Arturo Bermeo) have not being served property with the summons and complaint, and since these unserved Defendants wish to file a separate counterclaim with different claims, also we request leave to file a motion to strike the summons and complaint with regards to the unserved Defendants, pursuant to FRCP § 4(m).

As for the proposed briefing schedule, the undersigned proposes March 15, 2023 for the pre-motion conference, March 22, 2023 to file the motion, March 29, 2023 for Plaintiff's opposition, and April 5, 2023 for a reply, unless Your Honor proposes other dates.

Should any questions arise, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Lizarraga", with a stylized flourish at the end.

William Robert Lizarraga, Esq.
Attorney for Bermeo Food Corp. and Suheidi Garate

CC: (via CMECF)

Levin-Epstein & Associates, PC
Attorneys for Plaintiff
60 East 42nd Street, Suite 4700
NY NY 10165